

**REMARKS**

Claims 1-33 have been amended and are pending in this application. Reexamination and reconsideration of the application, as amended, are respectfully requested.

Claim 1 was rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The Examiner stated:

The term "the process model" in claim 1 is a relative term that renders the claim indefinite. The terms "the process model" is not defined by the claim, the specification does not provide a standard for ascertaining the requisite degree, and one of ordinary skill in the art would not be reasonably apprised of the scope of the invention. Because the term "the process model" is used, the entire claim and the scope of the invention unclear.

This rejection is respectfully traversed.

One definition of process model appears in paragraph 0041 of the present application. With reference to the embodiment shown in Figure 1, the term process model 100 refers to a representation or model of the business activities that exist in a corporation, division, or some other type of entity or business unit. In the illustrated embodiment each process model 100 contains one or more processes 120, each of which represent a specific real-world business activity. In this embodiment example processes 120 include "accepting purchase orders" and "paying an invoice."

Paragraph 0045 further provides an example of how to create a process model 100. Another example of a process model is shown in the conceptual diagram of Figure 2. It is therefore respectfully submitted that the claims and application are in compliance with the requirements of 35 U.S.C. 112, second paragraph.

Claims 1-25 are rejected under 35 U.S.C. 101 because the claimed invention is directed to a non-statutory subject matter.

This rejection is respectfully traversed with respect to claims 1-25, as amended.

Claims 1-25 have been amended to better clarify which steps or features are being performed within the technological arts. Specifically, claims 1-25 have been amended to recite the features of adding components to a process definition, including at least one task requiring user interaction, the task comprising a unit of work performed by a computer program. It is respectfully submitted that claims 1-25, as amended, are in compliance with 35 U.S.C. 101

Claims 1-14 were rejected under 35 U.S.C. 103(a) as being unpatentable over Guheen et al (US 6,615,166), and further in view of Flores et al (US 5,734,837). Claims 15-25 were rejected under 35 U.S.C. 103(a) as being unpatentable over Flores et al (US 5,734,837), and further in view of Johnson (US 5,721,943). Claims 27-33 were rejected under 35 U.S.C. 103(a) as being unpatentable over Flores et al (US 5,734,837), and further in view of Guheen et al (US 6,615,166).

These rejections under 35 U.S.C. 103(a) are respectfully traversed.

Where two or more prior art references require selective combination, as in the present rejections, there must be some reason for the combination other than the hindsight gleaned from the invention itself. Something in the prior art references must suggest the desirability, and thus the obviousness, of making the combination. It is impermissible to use the claims as a frame and the prior art references as a mosaic to piece together a facsimile of the claimed invention. Uniroyal v. Rudkin-Wiley, 5 USPQ 2d 1434, 1438 (Fed. Cir. 1988).

In the present case, applicants respectfully submit that there is nothing in either Guheen, Johnson or Flores which suggests the desirability (and thus the obviousness) of making the combination of elements proposed by the Examiner.

Applicants respectfully submit that the suggestion for the various combinations of Guheen, Johnson and Flores proposed by the Examiner comes only from the claimed invention itself, not from either Guheen, Johnson or Flores. The skilled artisan would not have found it obvious to selectively pick and choose the separate elements and concepts from Guheen, Johnson and Flores so as to arrive at the claimed invention without using the present claims as a guide. Such hindsight reconstruction of the invention is not a proper criteria for determining obviousness. There must be

some reason or suggestion in either Guheen, Johnson or Flores for selecting and combining the elements as proposed, other than the knowledge learned from the applicants' disclosure.


Interconnect Planning Corporation v. Feil, 227 USPQ 543, 551 (Fed. Cir. 1985). Applicants respectfully submit that no reason or suggestion for the proposed combination can be found in any of the cited references.

In view of the above, each of the presently pending claims in this application is believed to be in immediate condition for allowance. Accordingly, the Examiner is respectfully requested to withdraw the outstanding rejection of the claims and to pass this application to issue. If it is determined that a telephone conference would expedite the prosecution of this application, the Examiner is invited to telephone the undersigned at the number given below.

In the event the U.S. Patent and Trademark office determines that an extension and/or other relief is required, applicant petitions for any required relief including extensions of time and authorizes the Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to Deposit Account No. 03-1952 referencing docket no. 527922000100.

Dated: September 23, 2005

Respectfully submitted,

By   
Alex Chartove

Registration No.: 31,942  
MORRISON & FOERSTER LLP  
1650 Tysons Blvd, Suite 300  
McLean, Virginia 22102  
(703) 760-7744